IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 11TH OCTOBER 2007 / 19TH ASWINA 1929

RPFC.No. 5 of 2003()

MC.69/2000 of FAMILY COURT, KOLLAM
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PETITIONER/RESPONDENT

UDAYAKUMAR, AGED 32 YEARS,
S/O.BALAKRISHNAN NAIR, UDAYA BHAVAN,
THURUTHIKARA, NEDIYAVILA VILLAGE,
KOLLAM.

BY ADV. SRI.V.J.MATHEW
SRI.P.P.RAJESH

RESPONDENTS: PETITIONERS
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1. LATHIKA, AGED 30 YEARS,
D/O.RAGHAVAN PILLAI, KULATHIKAROTTU VEEDU,
MULAVANA, KOLLAM.

2. AMRUTHA (MINOR) D/O.LATHIKA
MINOR IS REP. BY HER MOTHER & GUARDIAN
LATHIKA D/O.RAGHAVAN PILLAI, KULATHIKAROTTU
VEEDU, MULAVANA, KOLLAM.

BY ADV. SRI.B.MOHANLAL

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD ON 11/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P. 720/2003 IN R.P.(F.C).NO.5/2003

CLOSED.

SD/- K.R.UDAYABHANU, JUDGE

11/10/2007

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K.R.UDAYABHANU, J.

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R.P.(F.C).No.5 of 2003-A

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Dated this the 11th day of October, 2007

O R D E R

The revision petitioner is the counter petitioner in M.C.No.69/2000, the petition filed under Section 125 of the Code of Criminal Procedure for maintenance by the first respondent/wife on behalf of herself and the minor child. The revision petitioner is under orders to pay maintenance at the rate of Rs.500/- to the first respondent and Rs.300/- to the second respondent child, then aged 1.3/4 years.

2. The evidence adduced in the matter consisted of the testimony of PW.1 and Exts.A1 to A3 series and CPW.1. The petitioner/wife had alleged ill treatment by her husband as well as by the father-in-law and the sister's husband of the counter petitioner, and alleged that herself and her father were brutally manhandled. It is admitted that the counter petitioner has difficulty in hearing and speaking and that he is getting disability pension of Rs.110/- per month. It is contended that he is a tailor and working in a tailoring shop by name 'Penguin Tailors' and getting Rs.3,000/- per month. Maintenance at the rate of Rs.1,000/- was claimed. On the other hand the revision petitioner/counter petitioner has denied the paternity of the child and alleged that the petitioner/wife

is living in adultery and that she has got illicit relationship with one Ramesan, who is related to her. It is also alleged that she is working in a textile shop and is earning Rs.1,500/- per month and that she is taking tuitions at home and is getting Rs.500/- per month and it is also stated that he is not having any employment and he is living from the disability pension only.

3. I find that the evidence as to the allegations and counter allegations are only the interested version of the petitioner and the counter petitioner.

4. The court below found that the counter petitioner has admitted that he was working as a tailor and that there is no evidence to show that he lost the above employment. In this Court, the petitioner has produced photocopies of certificates to show that his father is a T.B patient and his mother is suffering from cancer. The appropriate course for the petitioner is to apply before the court below invoking the relevant provision. But I find that the amount ordered to be paid as maintenance is only Rs.500/- to the first respondent and Rs.300/- to the second respondent. In the circumstances, I find no interference is called for. The revision petition is dismissed.

K.R.UDAYABHANU,
Judge

ms

K.R.UDAYABHANU, J.

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R.P.(F.C).No.5 of 2003-A

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O R D E R

11th October, 2007